

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
DELTA DIVISION**

**ROBERT PORTER, JR.**

**PLAINTIFF**

**V.**

**No. 2:08CV088-P-S**

**MARK CARPENTER, et. al**

**DEFENDANTS**

**ORDER DENYING MOTION FOR RECONSIDERATION**

Plaintiff, an inmate proceeding *pro se*, filed his complaint on May 28, 2008. Plaintiff was afforded the opportunity to clarify and specifically state his claims at a *Spears* hearing August 21, 2008. Following the *Spears* hearing, the Magistrate Judge recommended dismissal of the complaint as frivolous. The recommendations were adopted as the opinion of the court on January 22, 2009, and matter was closed. The court subsequently received Plaintiff's objections to the Report and Recommendations which the court will treat as a motion for reconsideration.

As before, after reviewing the original pleadings as well as the motion (objections) and the applicable law, the court concludes the previous opinion and order dismissing the complaint, was correct in law and fact. Plaintiff has failed to produce a factual or legal basis to alter the court's ruling. Therefore, the motion for reconsideration (docket entry 19) is **DENIED**.

**SO ORDERED**, this the 29<sup>th</sup> day of January, 2009.

/s/ W. Allen Pepper, Jr.  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE